

1 James P. Baker (State Bar No. 096302)
2 Katherine S. Ritchey (State Bar No. 178409)
3 Elaine Wallace (State Bar No. 197882)
4 Heather Reinschmidt (State Bar No. 217977)
5 JONES DAY
6 555 California Street, 26th Floor
7 San Francisco, CA 94104
8 Telephone: (415) 626-3939
9 Facsimile: (415) 875-5700

10 Attorneys for Defendants
11 Lawrence J. Mazzola; Lawrence Mazzola, Jr;
12 William B. Fazande; Larry Lee; James R. Shugrue;
13 Vohon J. Kazarian; Tom Irvine; Robert E. Buckley;
14 Robert Buckley, Jr; Art Rud; Ron Fahy; Robert
15 Nurisso; Frank Sullivan; U.A. Local 38 Pension
16 Trust Fund; U.A. Local 38 Health & Welfare Trust
17 Fund; U.A. Local 38 Apprentice & Journeyman
18 Training Trust Fund; U.A. Local 38 Scholarship
19 Trust Fund; U.A. Local 38 Vacation and Holiday
20 Trust Fund; U.A. Local 38 Convalescent Trust Fund
and Richard L. Milsner

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 ELAINE L. CHAO, Secretary of Labor,
16 United States Department of Labor,

17 Plaintiff,

18 v.

19 LAWRENCE J. MAZZOLA, et al.,

20 Defendants.

Case No. C 04 4949 PJH (EMC)

STIPULATION EXTENDING TIME TO
FILE MOTION TO COMPEL
REGARDING DISCOVERY RELATING
TO PLAINTIFF'S EXPERT SUZANNE
MELLEN AND ~~PROPOSED~~ ORDER

21
22 WHEREAS, by Order dated November 8, 2006, Magistrate Judge Chen extended the
23 close of discovery relating only to Plaintiff's Expert Suzanne Mellen until December 1, 2006;

24 WHEREAS, Ms. Mellen was deposed on November 28, 2006;

25 WHEREAS, at her deposition, Ms. Mellen testified regarding computer models, database
26 searches, documents and other information that she relied upon in forming the opinions stated in
27 her Rule 26 reports that had not been produced to Defendants;

28

STIPULATION FOR MAKING MOTION TO COMPEL
RE: PLAINTIFF'S EXPERT MELLEN---Case No. C 04
4949 PJH (EMC)

1 WHEREAS, Defendants contend that this information was required to be produced by
2 Rule 26 and/or the subpoenas issued to Ms. Mellen in this action;

3 WHEREAS, Ms. Mellen is attempting to collect the information that Defendants believe
4 should have been produced in advance of the deposition, but to date has not made a complete
5 production;

6 WHEREAS, once Ms. Mellen's production is complete, Defendants' counsel will be
7 required to consult with similarly qualified experts to assess the information provided by Ms.
8 Mellen;

9 WHEREAS, without prejudice to the rights and remedies available to Defendants, the
10 parties intend to meet and confer once Defendants have had the opportunity to assess the
11 information provided by Ms. Mellen in an attempt to informally resolve this dispute;

12 WHEREAS, the parties cannot exchange and evaluate the information provided by Ms.
13 Mellen, as well as meet and confer in time to reach an informal resolution prior to the current
14 deadline to make a motion to compel, which is December 12, 2006;

15 WHEREAS, the parties and their experts have pre-planned vacations in December and
16 early January;

17 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
18 attorneys of record that Defendants Lawrence J. Mazzola, Lawrence Mazzola, Jr., William B.
19 Fazande, Larry Lee, James R. Shugrue, Vohon J. Kazarian, Tom Irvine, Robert E. Buckley,
20 Robert Buckley, Jr., Art Rud, Ron Fahy, Robert Nuriuso, Richard L. Milsner; U.A. Local 38
21 Pension Trust Fund, U.A. Local 38 Health & Welfare Trust Fund, U.A. Local 38 Convalescent
22 Trust Fund, U.A. Local 38 Apprentice & Journeyman Training Trust Fund, U.A. Local 38
23 Scholarship Trust Fund, U.A. Local 38 Vacation and Holiday Trust Fund; Frank Sullivan; U.A.
24 Local 38 of the United Association of Journeymen and Apprentices of the Plumbing and Pipe
25 Fitting Industry of the United States and Canada and U.A. Local 38 Lakeside Haven, Inc. may

26

27

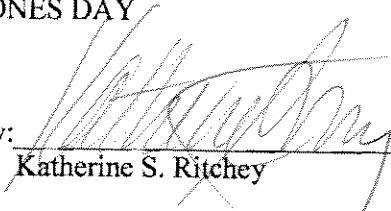
28

STIPULATION FOR MAKING MOTION TO COMPEL
RE: PLAINTIFF'S EXPERT MELLEN—Case No. C 04
4949 PJH (EMC)

1 have until January 19, 2007 to file a motion to compel relating solely to documents or further
2 deposition of Ms. Mellen.

3 Dated: December 11, 2006

4 JONES DAY

5
6 By: 
Katherine S. Ritchey

7 Attorneys for Defendants
8 Lawrence J. Mazzola; Lawrence Mazzola, Jr;
9 William B. Fazande; Larry Lee; James R.
Shugrue; Vohon J. Kazarian; Tom Irvine;
Robert E. Buckley; Robert Buckley, Jr; Art
Rud; Ron Fahy; Robert Nurisso; Frank
Sullivan; U.A. Local 38 Pension Trust Fund;
U.A. Local 38 Health & Welfare Trust Fund;
U.A. Local 38 Apprentice & Journeyman
Training Trust Fund; U.A. Local 38
Scholarship Trust Fund; U.A. Local 38
Vacation and Holiday Trust Fund; U.A. Local
38 Convalescent Trust Fund and Richard L.
Milsner

15
16 Dated: December 11, 2006

17 MАНDELL LAW GROUP, PC

18
19 By: 
Douglas D. Mandell

20 Attorneys for Defendants U.A. Local 38 of
21 the United Association of Journeymen and
22 Apprentices of the Plumbing and Pipe Fitting
Industry of the United States and Canada and
U.A. Local 38 Lakeside Haven, Inc.

23
24
25
26
27
28

1 Dated: December 11, 2006

2 By: 
3 W. Iris Barber

4 Attorney for Plaintiff Elaine L. Chao,
5 Secretary of Labor, United States
6 Department of Labor.

7
8 **[PROPOSED] ORDER**

9
10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11 Dated: December 12, 2006



20 SFI-558236v1

21
22
23
24
25
26
27
28